

Message Text

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ACTION OES-07

INFO OCT-01 ARA-14 EUR-12 ISO-00 COME-00 EB-08 L-03
CIAE-00 INR-10 NSAE-00 /055 W
-----073947 011025Z /11
R 311412Z MAR 78
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 2337
INFO AMCONSUL CURACAO

UNCLAS SECTION 1 OF 2 THE HAGUE 1728

E.O. 11652: N/A
TAGS: TPHY, NL, NA
SUBJECT: PROPOSED AGREEMENT AND MEMORANDUM OF ARRANGEMENT CONCERNING WEATHER ADVISORY SERVICE

REF: 77 STATE A-3678

1. EMBASSY HAS RECEIVED A DIPLOMATIC NOTE FROM GON CONCERNING PROPOSED WEATHER ADVISORY SERVICE AGREEMENT (REFAIR) SUBMITTED BY EMBASSY TO GON IN SEPT. 77. MIN. OF FOREIGN AFFAIRS HAS INFORMALLY TOLD US DELAY IN RESPONSE TO PROPOSAL WAS CAUSED BY COMMUNICATIONS DIFFICULTIES WITH CURACAO ADMINISTRATION. PROPOSED AGREEMENT GENERALLY HAS BEEN ACCEPTED IN ITS ENTIRETY EXCEPT THAT NOTE POINTS OUT THAT AGREEMENTS TO WHICH KINGDOM OF NETHERLANDS IS A PARTY USUALLY CONTAIN A CLAUSE SPECIFYING TO WHICH PART OF KINGDOM (NETHERLANDS OR NETHERLANDS ANTILLES) AGREEMENT PERTAINS. NOTE THEREFORE SUGGESTS WORDING MODIFICATIONS TO SPECIFY NETHERLANDS ANTILLES AS ONLY PART OF KINGDOM TO WHICH AGREEMENT APPLIES. EMBASSY WOULD APPRECIATE DEPARTMENT COMMENTS ON THESE MODIFICATIONS.

2. TEXT OF DIPLOMATIC NOTE IS AS FOLLOWS:

QUOTE: THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND, WITH UNCLASSIFIED

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REFERENCE TO THE PROPOSAL BY THE UNITED STATES FOR AN AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING A HURRICANE MONITORING AND FORECAST PROGRAMME FOR THE CARIBBEAN, HAS THE HONOUR TO INFORM THE EMBASSY OF THE FOLLOWING.

QUOTE. IN VIEW OF THE FACT THAT AS FAR AS THE KINGDOM OF THE

NETHERLANDS IS CONCERNED, THE SUBJECT MATTER OF THE AGREEMENT RELATES TO THE NETHERLANDS ANTILLES, THE GOVERNMENT OF THE NETHERLANDS ANTILLES WAS ASKED WHETHER IT AGREED THAT THE PROPOSED AGREEMENT SHOULD BE CONCLUDED. THIS IT HAS NOW CONFIRMED IN PRINCIPLE.

QUOTE. BEFORE EXCHANGING NOTES IN THE WAY SUGGESTED BY THE EMBASSY, THE MINISTRY WISHES TO PROPOSE THE FOLLOWING AMENDMENTS TO THE TEXT OF THE DRAFT DIPLOMATIC NOTE AND MEMORANDUM OF AGREEMENT. THESE AMENDMENTS ARE BASED ON, AMONG OTHER THINGS, THE CONSTITUTIONAL STRUCTURE OF THE KINGDOM OF THE NETHERLANDS. AS THE EMBASSY KNOWS, THE KINGDOM CONSISTS OF TWO PARTS THAT ARE ON AN EQUAL FOOTING WITH ONE ANOTHER, BUT ONLY THE KINGDOM AS A WHOLE HAS CAPACITY TO CONCLUDE AGREEMENTS UNDER INTERNATIONAL LAW.

QUOTE. IT IS FOR THIS REASON THAT AGREEMENTS TO WHICH THE KINGDOM OF THE NETHERLANDS IS A PARTY USUALLY CONTAIN A CLAUSE SPECIFYING TO WHICH PART OF THE KINGDOM (THE NETHERLANDS OR THE NETHERLANDS ANTILLES) THEY RELATE. WITH THE EXCEPTION OF SEVERAL CATEGORIES OF AGREEMENTS SPECIFIED IN THE DUTCH CONSTITUTION, ALL INTERNATIONAL AGREEMENTS INVOLVING THE KINGDOM REQUIRE PARLIAMENTARY APPROVAL IN ORDER TO TAKE EFFECT.

QUOTE. THE PROPOSED AMENDMENTS ARE AS FOLLOWS:

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A) IN THE DRAFT DIPLOMATIC NOTE

PAGE 1: LINE: READ "THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE NETHERLANDS ANTILLES" FOR "OUR GOVERNMENTS"; LINE 9: READ "THE NETHERLANDS ANTILLES HAVE" FOR "YOUR COUNTRY HAS".

POINT 1: READ "COOPERATING AGENCIES OF THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE NETHERLANDS ANTILLES" FOR "COOPERATING AGENCIES OF THE TWO GOVERNMENTS".

PAGE 2: POINT 2(2): READ "FOR THE GOVERNMENT OF THE NETHERLANDS ANTILLES, THE METEOROLOGICAL SERVICE OF THE NETHERLANDS ANTILLES HEREINAFTER REFERRED TO AS THE NETHERLANDS ANTILLES COOPERATING AGENCY."

POINT 3, LINE 4: READ "...THE NETHERLANDS ANTILLES COOPERATING AGENCY SHALL BE PAID BY THE GOVERNMENT OF THE NETHERLANDS ANTILLES".

POINT 5, LINE 3: READ "...THE CONGRESS OF THE UNITED STATES OR THE REPRESENTATIVE BODY OF THE NETHERLANDS ANTILLES, ...).

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PAGE 3: POINT 7: THE WORD "THERETO" SHOULD BE ADDED AFTER
THE WORD "PARTIES". THIS STRESSES THE FACT THAT IT IS THE
PARTIES TO THE MEMORANDUM OF ARRANGEMENT WHO MAY AMEND THE
MEMORANDUM, AND NOT THE PARTIES TO THE AGREEMENT.

POINT 8 SHOULD BE DELETED. THE CONTENT OF THIS POINT, IN
SO FAR AS IT IS RELEVANT, SHOULD BE MOVED TO THE CLOSING
PARAGRAPH OF PAGE 3, WHICH COULD THEN READ: "IF THE FORE-
GOING GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS ...
CONCERNING THIS MATTER, WHICH SHALL ENTER INTO FORCE ON THE
DATE ON WHICH THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS
NOTIFIED THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT
THE NECESSARY CONSTITUTIONAL PROCEDURES REQUIRED IN THE KINGDOM
OF THE NETHERLANDS HAVE BEEN COMPLIED WITH. I AVAIL MYSELF
CONSIDERATION."

A NEW POINT 8 SHOULD BE ADDED: "AS REGARDS THE KINGDOM OF THE
NETHERLANDS, THE PRESENT AGREEMENT SHALL APPLY ONLY TO THE
NETHERLANDS ANTILLES".

B) IN THE DRAFT MEMORANDUM OF ARRANGEMENT

PAGE 1, LINE: READ "... THE NETHERLANDS ANTILLES COOPERATING
AGENCY,". LINE 6: READ "... THE GOVERNMENT OF THE KINGDOM
OF THE NETHERLANDS...".

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POINT 1, LINE 2: READ "THE NETHERLANDS ANTILLES - UNITED STATES HURRICANE WARNING PROGRAM".

POINT 2, LINES 4 AND 6; READ "... THE NETHERLANDS ANTILLES COOPERATING AGENCY ...".

PAGE 2, POINT 4, LINE 1 AND 2: READ "... THE NETHERLANDS ANTILLES COOPERATING AGENCY...".

POINT 5, LINE 4: READ "THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS".

PAGE 3, SIGNATURE: "FOR THE NETHERLANDS ANTILLES COOPERATING AGENCY:".

QUOTE. THE MINISTRY WOULD BE GRATEFUL TO LEARN WHETHER THE GOVERNMENT OF THE UNITED STATES OF AMERICA AGREES TO THESE PROPOSED AMENDMENTS.

QUOTE. THE HAGUE, 17 FEBRUARY 1978. UNQUOTE.
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